

Samantha Kelly

Counsel



Samantha Kelly is Counsel in our Real Estate Law practice.

About Samantha

Samantha joined Cliffe Dekker Hofmeyr as a Candidate Attorney in 2013, during which time she had exposure to labour law, dispute resolution and real estate.

Samantha was appointed as an Associate in 2015 in our Real Estate practice, was promoted to Senior Associate in 2018 and was promoted to Counsel in 2023.

Credentials

Education

- BA - University of Witwatersrand
- LLB - University of Witwatersrand (cum laude)
- Admission as Attorney: 2015
- Admission as Notary: 2015
- Admission as Conveyancer: 2015
- Enrolled with the Legal Practice Council

Experience

- Acts for various project companies and lenders in the renewable energy sector (solar and wind farms), in respect of land, which includes: land-related due diligence investigations; reviewing, drafting and registration of notarial leases; reviewing, drafting and registration of servitudes; facilitating, obtaining and reviewing land-related regulatory approvals and consents; investigating land claims: and issuing legal opinions.
- Experience in negotiations, drafting and conveyancing in commercial property transactions, which experience includes; Attending to the disposal of letting enterprises for JSE-listed property funds; vendor loans; Asset swaps and property exchanges between property companies (such as: swap of one-half share in Menlyn Shopping Centre and Cavendish Shopping Centre between Pareto Limited and Old Mutual Property, worth approximately R4.3 billion; and exchange of Synergy's retail assets for Vukile's office and industrial assets to Synergy, worth approximately R5.5 billion); and conversion of a Collective Investment Schemes to Real Estate Investment Trusts for a Listed Property Fund and assisting all aspects of the conveyancing process involved therein (deal value of approximately R10 billion).

Contact Samantha

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[Samantha on LinkedIn](#)

Expertise

[Real Estate Law](#)

Location

Johannesburg

Language

English

- Drafting and negotiation of security documents, which experience includes-
 - registration of a notarial bonds over a fibre network for R23 billion;
 - registration of special notarial bond for \$2,2 billion over a telecommunication network.
- Opening of townships and sectional title schemes and all aspects related thereto, including: subdivisions / consolidations / excisions / removal of title conditions / endorsement applications (e.g. section 4(1)(b) / section 93(1)) / SPLUMA legislation and relevant by-laws.
- Leasehold transactions and developments, which experience includes-
 - disposal of commercial leasehold land for the value of R212 million
 - various aspects of the leasehold model at Waterfall Estate (99-year long-term leasehold structure)
 - drafting of leasehold development rights agreements, development leases and end-user long-term leases
- Commercial negotiations, drafting and conveyancing of the asset swaps and property exchanges between property companies (such as: swap of one-half share in Menlyn Shopping Centre and Cavendish Shopping Centre between Pareto Limited and Old Mutual Property, worth approximately R4.3 billion; and exchange of Synergy's retail assets for Vukile's office and industrial assets to Synergy, worth approximately R5.5 billion).
- Opening of townships and sectional title schemes and all aspects related thereto, including: subdivisions / consolidations / excisions / removal of title conditions / endorsement applications (e.g. section 4(1)(b) / section 93(1)) / SPLUMA legislation and relevant by-laws.

News

[Going back to basics: The importance of reducing the essential terms of a sale of property agreement to writing](#)

The recent judgment of Cooper N O and Another v Curro Heights Properties (Pty) Ltd (1300/2021) ZASCA 66 (16 May 2023) once again highlights the importance of reducing the essential terms of a sale of property agreement to writing.

[Mixed-use schemes: Is it fair for owners of residential units to have different voting rights to the owners of commercial units within the same sectional title scheme?](#)

This question was considered in the case of Rampul v Trustees of Mangrove Beach Centre Body Corporate and Others (9823/2022P) ZAKZPHC 81 (15 December 2022).

[The VAT and transfer duty consequences when selling a property used for both residential and commercial purposes](#)

It is not uncommon to sell a property that is utilised for both residential and commercial purposes (for example, a block of flats with shops on the ground floor and residential units above).

[Are property associations automatically exempt in terms of Section 10 of the Income Tax Act?](#)

Both residential and commercial developments are on the rise in South Africa. Owners (and sometimes tenants) of these estates and developments, are generally obliged to become members of a "property owners association". Members of the association are bound by the rules that govern it, to manage and regulate such developments. Generally, the payment of levies by members are required to upkeep and maintain the estate/development. As such, the number of property associations being formed to manage such estates and developments are vastly increasing.

[What are the audit obligations of property associations?](#)

As more and more property associations are being established to manage estates, complexes and developments (both residential and commercial) in South Africa, CDH's Real Estate practice examines the general types of associations that are being formed and used to govern such estates, complexes and developments, as well as the audit obligation of each type of association

Videos

[What to do when closing a property deal](#)

Samantha Kelly, Senior Associate in our Real Estate practice featured on Business Day TV, where she discussed what to do when closing a property deal.

[All news by Samantha Kelly →](#)

Recognition

- Legal 500 EMEA
 - The Legal 500 EMEA 2022 - 2024 recommended Samantha for Real Estate and notes her as a key lawyer.